

FILED

APR 23 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CRUZ-RAMIREZ,

Defendant.

No. CR-09-00933-CW (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Jose Cruz-Ramirez is charged in a one-count indictment with a violation of 8 U.S.C. §§ 1326 (a) and (b) (deported alien found in the United States). On April 23, 2010, Mr. Cruz-Ramirez waived his right to proffer information at this time (*see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present information by proffer or otherwise)), but expressly reserved his right to raise additional relevant information at a later hearing should circumstances change.

After considering the limited information available to the Court, and the factors set forth

DETENTION ORDER
CR-09-00933-CW (DMR)

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to US Marshal

1 in 18 U.S.C. § 3142(g), the Court detains Mr. Cruz-Ramirez because the preponderance of the
2 evidence indicates that Mr. Cruz-Ramirez poses a serious risk of flight and no condition or
3 combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his appearance in this
4 case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th
5 Cir. 1985). This order is based on the nature of the charge.

6 II. CONCLUSION

7 The Court detains Mr. Cruz-Ramirez as a serious flight risk. Because Mr. Cruz-Ramirez
8 waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising
9 relevant information at a later hearing, the Court orders that the hearing may be reopened at
10 defendant's request at any future time. Mr. Cruz-Ramirez shall remain committed to the custody
11 of the Attorney General.

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13 IT IS SO ORDERED.

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16 DATED: April 23, 2010



17 DONNA M. RYU
18 United States Magistrate Judge
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